

1 Christopher R. Pitoun (SBN 290235)
2 HAGENS BERMAN SOBOL SHAPIRO LLP
3 301 N. Lake Avenue, Suite 920
4 Pasadena, California 91101
5 Telephone: (213) 330-7150
Facsimile: (213) 330-7152
Email: christopherp@hbsslaw.com

6 Robert B. Carey (*pro hac vice*)
7 Leonard W. Aragon (*pro hac vice*)
8 Michella A. Kras (*pro hac vice*)
HAGENS BERMAN SOBOL SHAPIRO LLP
9 11 West Jefferson, Suite 1000
Phoenix, Arizona 85003
10 Telephone: (602) 840-5900
Facsimile: (602) 840-3012
11 Email: rob@hbsslaw.com
12 leonarda@hbsslaw.com
 michellak@hbsslaw.com

13 | *Attorneys for Plaintiffs*

17 N.Z., R.M., B.L., S.M., and A.L.,
18 individually and on behalf of themselves
and all others similarly situated.

19 Plaintiffs.

20 || v.

21 FENIX INTERNATIONAL LIMITED,
22 FENIX INTERNET LLC, BOSS
23 BADDIES LLC, MOXY
24 MANAGEMENT, UNRULY AGENCY
25 LLC (also d/b/a DYSRPT AGENCY),
26 BEHAVE AGENCY LLC, A.S.H.
27 AGENCY, CONTENT X, INC., VERGE
28 AGENCY, INC., AND ELITE
29 CREATORS LLC.

38 Defendants.

Case No. 8:24-cv-01655-FWS-SSC

**DECLARATION OF ROBERT B.
CAREY IN SUPPORT OF
STIPULATION REQUESTING
CONTINUANCE OF HEARING
DATE**

Hon. Fred W. Slaughter

1 I, Robert B. Carey, hereby declare as follows:

2 1. I am an attorney duly licensed to practice before all of the courts of the
3 State of Arizona, and I have been admitted pro hac vice in this Court. I am a partner
4 at Hagens Berman Sobol Shapiro LLP, and have appeared in this case as one of the
5 counsel of record for Plaintiffs in the above-entitled action. I have personal
6 knowledge of the matters stated herein and, if called upon, I could and would
7 competently testify thereto.

8 2. I submit this declaration on behalf of Plaintiffs in support of the
9 Parties' Stipulation Requesting Continuance of Hearing Date.

10 3. The current in-person hearing date on the Fenix Defendants' Motion to
11 Dismiss for Forum Non Conveniens (ECF No. 60) and Motion to Compel Plaintiffs
12 to Proceed in Their Real Names (ECF No. 61) is January 30, 2025, at 10:00 a.m.

13 4. To best serve Plaintiffs and the putative class, putative Class Counsel
14 has determined that Shana Khader is the best person to argue in opposition to the
15 Fenix Defendants' Motion to Dismiss for Forum Non Conveniens.

16 5. Ms. Khader is counsel in *Phillip McFadden, et al. v. Fenix Internet, LLC, and Fenix International Limited*, Case No. 1:23-cv-06151, (N.D. Ill.), and co-
17 counsel in this case. Her pro hac vice application in this case was granted on
18 November 18, 2024 (ECF No. 78).

19 6. Ms. Khader argued a substantively similar motion in the Northern
20 District of Illinois. The motion, captioned Plaintiffs' Opposition to Defendants'
21 Motion to Dismiss Plaintiffs' Class Action Complaint, raised substantively
22 analogous factual and legal arguments as the Fenix Defendants' Motion to Dismiss
23 for Forum Non Conveniens raises here. The parties also relied on the same experts
24 and expert declarations (with minor edits), to support the respective motions and
25 oppositions in the Northern District of Illinois as they use here. As such, Ms.
26 Khader is in the best position to efficiently and effectively argue the pending
27 motion for Plaintiffs and the putative class.

1 7. Ms. Khader is based in Washington, D.C., and presently has a hearing
2 scheduled in D.C. Superior Court at 9:30 a.m. on Friday, January 31, 2025, the
3 morning after the scheduled hearing.

4 8. Counsel also has an opening brief due to the Fourth Circuit Court of
5 Appeals on Wednesday, January 29, 2025, the day prior to the scheduled hearing.

6 9. As a result, counsel is unable to travel to participate in the January 30,
7 2025 hearing as currently scheduled.

8 10. For these reasons, the Parties respectfully request a continuance on the
9 Fenix Defendants' Motion to Dismiss for Forum Non Conveniens (ECF No. 60)
10 and Motion to Compel Plaintiffs to Proceed in Their Real Names (ECF No. 61) to
11 February 6, 2025 at 10:00 a.m.

12 11. Plaintiffs' counsel gave notice to all parties of the Fenix Defendants'
13 and Plaintiffs' intent to move the hearing and did not receive an objection.

14 12. There have not been any previous requests for continuances for this
15 hearing.

16 13. I declare under penalty of perjury that the foregoing is true and correct.
17 Executed this 13th day of January, 2025, in Phoenix, Arizona.

HAGENS BERMAN SOBOL SHAPIRO LLP

By /s/ Robert B. Carey
Robert B. Carey